

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NICOLE BARILLA, LOIS KERR, CHARLES
MCDONALD, and SUSAN SAVAGE, on
behalf of themselves and others similarly
situated,

Plaintiffs,

v.

Case No.: 2:19-cv-00046-JLB-NPM

SETERUS, INC., and NATIONSTAR
MORTGAGE LLC, as successor in interest to
Seterus, Inc.,

Defendants.

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ORDER

The parties have filed a joint stipulation of dismissal without prejudice (Doc. 97) under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and represent that they will pursue a global settlement of this putative class action and all related actions (Doc. 51) in Koeplinger v. Seterus, Inc., No. 1:17-cv-00995-CCE-LPA (M.D.N.C.) by filing an amended complaint in that matter.

Considering the parties' representations—and given that no class has been certified in this case—the Court does not believe that any review under Federal Rule of Civil Procedure 23(e) is necessary.¹ See Love v. Wal-Mart Stores, Inc., 865

¹ In their prior notice of settlement and motion to stay, the parties represented that they were “working collaboratively to consolidate this matter and the Related Actions in a single forum for the purposes of settlement approval and administration, and will file the necessary papers to seek settlement approval or otherwise resolve this Action by December 17, 2020.” (Doc. 95.) This forum, however, was not the one ultimately chosen.

F.3d 1322, 1325 (11th Cir. 2017) (“That the Congress included in FRCP 41(a)(1)(A) an exception for a certified class makes the absence of an exception for an uncertified class all the more telling.”). Accordingly, the parties’ stipulation is self-executing. Anago Franchising, Inc. v. Shaz, 677 F.3d 1272, 1278 (11th Cir. 2012).

Plaintiffs’ claims against Defendants are **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is **DIRECTED** to terminate any pending deadlines and close the file.

ORDERED in Fort Myers, Florida, on December 18, 2020.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE